

REMARKS

The Examiner's allowance of claims 19 and 20 and indication of allowable subject matter in claims 3, 4, 7-12, and 16 is sincerely appreciated. Claim 7 has been amended to appear in independent form, and the subject matter of claim 3 now appears in claim 23, except for the last "wherein" clause of original claim 1, which is not believed to be necessary to support patentability. Claims 7-11 and 23-24 are thus believed to be allowable for this reason.

In the office action, the abstract was objected to as including legal terminology, such as "means". Although the manner in which this word was employed in the original abstract is believed to be in accordance with ordinary, non-legal English, a replacement abstract is submitted herewith to facilitate overcoming of this objection.

Claim 2 was rejected under 35 U.S.C. § 112, second paragraph, as not reciting any means to perform the functions of receiving a package and opening the package. Claim 2 has been amended to more particularly define that it is the support members that are configured for performing these functions in the extraction cavity. Claim 2 is believed to satisfy section 112.

Claims 1, 5, 6, 13-15, and 17 were rejected under 35 U.S.C. § 102(b) as anticipated by MacCorkell. Claim 1 is directed to a beverage dispensing device for extracting a substance to prepare a beverage. First and second support members that define an extraction cavity are pivotally connected with each other at a support pivot axis and to a linkage. The linkage has an operation lever and a traction arm, which are respectively connected at lever and traction pivot axes to the support members and at a connection pivot axis to each other. Claim 1 defines a front side of the support member that is disposed toward the extraction cavity from the support axis, and recites the lever and traction pivot axes as being disposed in this front side. Claim 22 further defines the lever and connection axes as also being in the front side.

MacCorkell, on the other hand, has a very different arrangement of moving parts. As seen from Fig. 2 of MacCorkell, if the cylindrical members 61,62 are disposed on a front side of the axis at which they are pivotally connected to each other, then the at least one or both of the other two axes are disposed on an opposite back side, from the axis at which the cylindrical members are connected. Thus, MacCorkell teaches the opposite of the arrangement of claim 1.

This difference in placement of the two axes connecting the support members to the other links of the linkage is not a mere design change because the operation of the

linkage is significantly changed. The claimed linkage arrangement provides the surprising advantage of allowing a more compact construction as the links are pivoted from ahead of the support pivot axis, towards the side in which the extraction cavity is provided anyway. Additionally, the linkage of MacCorkell is not readily modifiable nor is there any suggestion to modify it according to claim 1. If one were to simply change the position of the pivot that connects the cylindrical members of MacCorkell, the linkage would become inoperable without making very significant additional changes in geometry of the remaining link of the linkage, the handle, and the pivots. Thus, the modification would not be obtainable without undue experimentation by one of ordinary skill. Consequently, claim 1 is neither anticipated nor obvious in view of MacCorkell.

All claims are consequently presently believed to be in condition for allowance. Should any issues remain, a personal or telephonic interview is respectfully requested to expedite the prosecution of this application.

Respectfully submitted,

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